

**PHYSICAL THERAPY EXAMINING BOARD  
JULY 7, 2011  
MINUTES**

**PRESENT:** Lori Dominiczak, PT (Live Meeting); Mark Shropshire, PT (Live Meeting); Jane Stroede, PTA; Michele Thorman, PT

**STAFF:** Tom Ryan, Bureau Director; Sandy Nowack, Legal Counsel; Karen Rude-Evans, Bureau Assistant; other DSPS Staff

**CALL TO ORDER**

Mark Shropshire, Chair, called the meeting to order at 8:30a.m. A quorum of four (4) members was confirmed.

**ADOPTON OF AGENDA**

**Amendments:**

- Proposed Stipulation, Final Decision and Order – Luis A. Rivera, Jr., PT – 10 PHT 002
- Proposed Administrative Warning – 10 PHT 002 – D.S.
- FAQs – Temporary Licensure
- Chapter 7 Professional Conduct
- Case Status Report – insert at end of agenda

**MOTION:** Michele Thorman moved, seconded by Lori Dominiczak, to adopt the agenda as amended. Motion carried unanimously.

**APPROVAL OF MINUTES OF MARCH 10, 2011**

**Corrections:**

- On page 1, Under PRESENT, delete “Enid Mistele”

**MOTION:** Lori Dominiczak moved, seconded by Jane Stroede, to approve the minutes of March 10, 2011 as corrected. Motion carried unanimously.

**SECRETARY MATTERS**

No report at this time.

**PRESENTATION OF PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS**

DOE staff presented the following Proposed Stipulations, Final Decisions and Orders:

- a) Barbara A.E. Flaherty, PT - 09 PHT 002

- b) John L. Diels, PT – 09 PHT 005
- c) Luis A. Rivera, Jr., PT – 10 PHT 008

These matters will be deliberated in closed session. Sandy Nowack was excused and left the room for the presentation of the first two cases.

### **SPEAKING ENGAGEMENT, TRAVEL AND PUBLIC RELATION REQUESTS**

#### **FSBPT 2011 Annual Meeting and Delegate Assembly, September 22-24, 2011, Charlotte, North Carolina**

Tom Ryan reported the travel policy has been modified. Travel that is completely funded by a third party will not be considered. Lori Dominiczak is unable to attend the FSBTP meeting and Michele Thorman was designated as the Board's alternate.

### **ITEMS FOR BOARD DISCUSSION**

#### **Ultrasound imaging and scope of practice – Board review of FAQ**

The Board reviewed the FAQ and proposed response regarding rehabilitative ultrasound imaging.

**MOTION:** Michele Thorman moved, seconded by Lori Dominiczak, to approve the FAQ and proposed response regarding rehabilitative ultrasound imaging and to post this information to the DSPS website. Motion carried unanimously.

#### **Temporary License FAQ – Michele Thorman**

Michele Thorman reviewed temporary license FAQs with the Board. Ms. Thorman will work with Sandy Nowack to further research this issue.

#### **Development of screening rubric – Lori Dominiczak**

Lori Dominiczak submitted to the Division of Enforcement for review, a copy of a screening rubric from the Virginia Department of Health Professions. The Board would like to develop a similar screening rubric and is aware that this would take time and research to develop.

#### **PT and PTA Licensing**

The Board reaffirmed the PT and PTA licenses are separate and the educational tracks are different.

### **FSBPT's aPTitude – Jill Remy and Jane Stroede**

Jane Stroede and Jill Remy worked together on aPTitude and continuing competence. They held a conference call with the FSBPT and concerns were raised regarding audits, accuracy of information and confusion to the license holders. This may be revisited at a later date.

### **Professional Conduct and Ethics – Michele Thorman**

Michele Thorman and Sandy Nowack will work together for possible revisions and a scope statement. Tom Ryan reviewed the new process in place for rule drafting.

**MOTION:** Michele Thorman moved, seconded by Lori Dominiczak, to draft a scope statement to amend the rules with respect to unprofessional conduct and to bring it back to the Board for review at a future meeting. Motion carried unanimously.

### **Rule Writing relating to the Creation of the Physical Therapy Examining Board and Other Changes**

Rules are currently being drafted.

### **Legislative Matters**

No report at this time.

## **BUREAU DIRECTOR MATTERS**

Tom Ryan encouraged the Board members to submit names of potential public members to the Governor's office. Public members can apply at the Governor's website.

## **INFORMATIONAL ITEM(S)**

There were no informational items.

## **PUBLIC COMMENT(S)**

There were no public comments.

## **CREDENTIALING LIAISON REPORT**

Michele Thorman and Jane Stroede are the credentialing liaisons and reviewed an application from a foreign-trained physical therapist. It was determined that the applicant's education was lacking courses. This applicant is considering taking the courses at U.W. La Crosse and has met with Michele Thorman. Ms. Thorman has been very clear that these contacts have been as an educator and not as a Board member, however has brought this to the attention of the Board to discuss if this could be a possible conflict of interest. Legal counsel, Sandy Nowack, advised

that Board members should use their judgment as to whether they can be objective in these matters; if there is a perception of a conflict of interest, the Board member should recuse them self from board actions.

### **OTHER BUSINESS**

There was no other business to discuss

### **WEBSITE UPDATES AND FAQs**

The 2010 Annual Review has been posted to the website.

### **CLOSED SESSION**

**MOTION:** Jane Stroede moved, seconded Michele Thorman, to convene to closed session to deliberate on cases following hearing (Wis. Stat. § 19.85 (1) (a)); consider closing disciplinary investigation with administrative warning (Wis. Stat. § 19.85 (1) (b), and Wis. Stat. § 440.205); consider individual histories or disciplinary data (Wis. Stat. § 19.85 (1) (f)); and to confer with legal counsel (Wis. Stat. § 19.85 (1) (g)). Lori Dominiczak-yes; Mark Shropshire-yes; Jane Stroede-yes; and Michele Thorman-yes. Motion carried unanimously.

The Board convened into closed session at 10:48 a.m.

### **RECONVENE INTO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION**

**MOTION:** Lori Dominiczak moved, seconded by Jane Stroede, to reconvene into open session. Motion carried unanimously.

The Board reconvened into open session at 12:52 p.m.

### **VOTING ON ITEMS CONSIDERED OR DELIBERATED IN CLOSED SESSION**

### **PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS**

#### **BARBARA A. E. FLAHERTY, PT 009 PHT 002**

**MOTION:** Jane Stroede moved, seconded by Lori Dominiczak, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against Barbara A. E. Flaherty, PT. Motion carried unanimously.

**JOHN L. DIELS, PT  
09 PHT 005**

**MOTION:** Lori Dominiczak moved, seconded by Jane Stroede, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against John L. Diels, PT. Motion carried unanimously.

**LUIS A. RIVERA, JR, PT  
10 PHT 008**

**MOTION:** Michele Thorman moved, seconded by Jane Stroede, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against Luis A. Rivera, Jr., PT. Motion carried unanimously.

**ADMINISTRATIVE WARNING**

**10 PHT 002, D.S.**

**MOTION:** Michele Thorman moved, seconded by Jane Stroede, to issue an administrative warning in case **10 PHT 002** against respondent D.S. Motion carried unanimously.

**REQUESTS FOR WAIVER OF CE REQUIREMENT**

**M.N.O., PT**

**MOTION:** Jane Stroede moved, seconded by Lori Dominiczak, to grant the request for a waiver of the 16 hour CE requirement to M.N.O., PT, for the period of October 31, 2009 to February 28, 2011. M.N.O. must complete 4 hours on ethics and jurisprudence by September 29, 2011, and these 4 hours cannot be counted towards the CE requirement for the current biennium. Motion carried unanimously.

**MONITORING**

**PAUL Z. ABLER, PT**

**MOTION:** Jane Stroede moved, seconded by Lori Dominiczak, to deny the request for reinstatement of license to Paul Z. Abler, PT, as he presented insufficient evidence of rehabilitation that he is safe to practice and that other objectives of discipline have been accomplished. Motion carried unanimously.

**AUTHORIZATION TO SIGN BOARD ORDERS**

**MOTION:** Michele Thorman moved, seconded by Jane Stroede, to authorize a representative of the Department, to sign all Board Orders from today's meeting. Motion carried unanimously.

**VALIDATION OF EXAM SCORE**

**MOTION:** Jane Stroede moved, seconded by Michele Thorman, to validate the score for the oral examination. Motion carried unanimously.

**ADJOURNMENT**

**MOTION:** Lori Dominiczak moved, seconded by Jane Stroede, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 12:59 p.m.